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*10F2 DP*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/496,549 02/02/00 KING

G 96P7613US03

EXAMINER

LM02/0830

Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin NJ 08830

QURESHI, A

ART UNIT

PAPER NUMBER

2738

DATE MAILED:

08/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*TD*

# Office Action Summary

Application No.  
09/496,549

Applicant(s)  
King

Examiner  
Afsar M. Qureshi

Group Art Unit  
2738



☒ Responsive to communication(s) filed on May 2, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 32-39 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 32-39 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2738

## **DETAILED ACTION**

### ***Response to Amendment***

1. Examiner has acknowledged the amendment in the Specification, cancellation of claims 1-31 and addition of new claims 32-39 as requested in the preliminary amendment received on May 2, 2000.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim <sup>22</sup>1 recites the limitation "THE switch" in page 2 line 2 of the amendment. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2738

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroño et al. (U.S. Patent No. 5,793,769).

- Considering claims 32-36, Muroño et al. (Muroño hereinafter) disclose a multiplexed network connecting apparatus comprising pair of LANs, communication lines, relay stations and transmission means for transmitting frames twixt LANs. A bypass transmission path (see figure 1 section 14 a and 14 b) is provided for transmitting the data (or establishing connection) directly to the relay stations (see col. 2, lines 50-67 through col. 3, lines 1-8) [claim 32]. The transmission means for transmitting data from one relay station of the first LAN to the second relay station (remote line termination unit) [claim 36] of the second LAN wherein one of the first relay stations connected to the first relay receives the transmission frame from the first LAN, transfers the transmission frame to the second LAN through the communication line bypassing any switching network [claim 34] (see col. 3, lines 31-51, also col. 11, lines 7-33) and Interface modules (see figure 8).

Art Unit: 2738

- Considering claim 37, Murono further discloses format charts of communicating transmission frame transmitted from one relay station through the communication line (see figures 3-7). The transmission frame 31 includes a header section 32 a (see figure 3). The header section has an address field A, a control field C, and a protocol identifier field P indicative of the upper protocol (see col. 6, lines 5-14).

Therefore, it would have been obvious to one of ordinary skill in the field of communication, at the time of invention, to have utilized the teachings of Murono in finding a method for sending data directly to a router bypassing switching network and by intercepting the data ahead of a remote line termination unit as claimed herein. The first and second relay stations of the first LAN and the second LAN, as disclosed by Murono, are similar in function as Switch and router claimed herein. Assigning a logical identifier to the data and associating with the subscriber line is well known the field of packet switching such as described by Murono (see figures 2-7).

- Considering claims 38 and 39, means for identifying presence of a data call for transmission directly to the router bypassing the switch is discussed in claim 1 above.

Also assigning a logical identifier is discussed in claim 37 above (see col. 6, lines 5 through col. 7, up to line 23)

Art Unit: 2738

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Buezny et al.** (U.S. Patent No. 5,592,466) disclose a system and method for finding an alternative route between an IXC network and LEC network bypassing switch in the event of failures in the signaling system.

**Dale et al.** (U.S. Patent No. 5,621,731) disclose an ISDN private exchange device, analog telephone and digital devices and plurality of ports for connection to respective analog telephone and digital devices. The device also includes ports for bypassing an ISDN control circuit if the system detects an indifferent connection.

**Frey** (U.S. Patent No. 5,848,128) discloses a method for providing a back up processor for processing a telecommunication call in the presence of a failure of a call processor. The backup processor processes signaling messages when the failure occurs and greatly reducing the processing resources.

**Donahue et al.** (U.S. Patent No. 6,101,180) disclose a dedicated transmission channel substantially separate from Internet backbone.

Art Unit: 2738

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Afsar M. Qureshi* whose telephone number is (703) 308-8542. The examiner can normally be reached on Monday through Friday from 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou**, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6743, (for formal communications intended for entry)

Art Unit: 2738

**Or:**

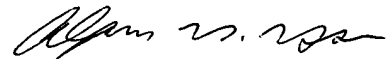
(703) 308-5403 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

Afsar M. Qureshi

August 25, 2000



**ALPUS H. HSU  
PRIMARY EXAMINER**